

ORIGINAL

HAROLD G. HOPPE 5049
Pacific Guardian Center, Makai Tower
733 Bishop Street, Suite 2300
Honolulu, HI 96813
Telephone: (808) 528-1903
Facsimile: (808) 531-3860

JOHN R. HILLSMAN 71220
McGuinn, Hillsman & Palefsky
535 Pacific Avenue
San Francisco, CA 94133
Telephone: (415) 421-9292
Facsimile: (415) 403-0202

Attorneys for Dennis Claypool,
Sheryl Claypool, Scott Claypool and Kristen Claypool

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

LODGED

JUN 29 2006

at 4 o'clock and 20 min.
SUE BEITIA, CLERK

JUN 21 2006

CLERK, U.S. DISTRICT COURT
DISTRICT OF HAWAII

CV 04-00559 HG-BMK

CV 05-00077 HG-BMK

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

DENNIS CLAYPOOL, individually
and as Guardian Ad Litem for
KRISTEN CLAYPOOL, a minor,
SHERYL CLAYPOOL, SCOTT
CLAYPOOL, and KRISTEN
CLAYPOOL,

Plaintiffs,
vs.

CAPTAIN ANDY'S SAILING, INC.,
BLUE DOLPHIN CHARTERS, LTD.
and BLUE DOLPHIN DIVING,
INC.,

Defendants.

Civil No. CV04 00570 HG- BMK

**ORDER GRANTING
PLAINTIFFS' MOTION FOR
APPROVAL OF GOOD FAITH
SETTLEMENT; CERTIFICATE
OF SERVICE**

MATTHEW ISHAM, individually)	CIVIL NO. CV04-00559 HG-BMK
and as Guardian ad Litem for)	
HAYDEN ISHAM, a minor;)	
ROXANNE BEST ISHAM,)	
)	
Plaintiffs,)	
vs.)	
)	
BLUE DOLPHIN CHARTERS,)	
LTD. and BLUE DOLPHIN)	
DIVING, LTD., CAPTAIN)	
ANDY'S SAILING, INC.,)	
)	
Defendants.)	

IN THE MATTER OF THE)	Civil No. CV05-00037 HG BMK
COMPLAINT OF BLUE DOLPHIN)	
CHARTERS, LTD. AND TERRY)	
DONNELLY, AS OWNERS OF)	
THE VESSEL M/V BLUE)	
DOLPHIN, O/N 1082212, FOR)	
EXONORATION FROM AND/OR)	
LIMITATION OF LIABILITY)	

The Claypool Plaintiffs' Motion for Approval of Good Faith Settlement came on regularly for hearing before the undersigned on June 9, 2006, at 2:00 p.m. in Courtroom 5 of this Court.

The Claypool Plaintiffs were represented by Harold Hoppe and John Hillsman; Blue Dolphin Charters, Ltd. and Terry Donnelly were represented by Robert Miller and Randolph Baldemor; and Stephen Smith appeared telephonically on behalf of Markel International Insurance Co., Ltd.

The matter having been argued and submitted, and good cause appearing therefor:

IT IS HEREBY ORDERED that the Claypool Plaintiffs Motion for Approval of Good Faith Settlement be, and hereby is, GRANTED. The Court finds that the Rule 68 judgment that was entered in the Claypools' favor on February 13, 2006 was not collusive, was offered in good faith, and falls within a reasonable settlement range for the Claypool Plaintiffs' claims.

Dated: June 28, 2006



BARRY M. KURREN
USDC Magistrate Judge

HAROLD G. HOPPE 5049
Pacific Guardian Center, Makai Tower
733 Bishop Street, Suite 2300
Honolulu, HI 96813
Telephone: (808) 528-1903
Facsimile: (808) 531-3860

JOHN R. HILLSMAN 71220
McGuinn, Hillsman & Palefsky
535 Pacific Avenue
San Francisco, CA 94133
Telephone: (415) 421-9292
Facsimile: (415) 403-0202

Attorneys for Dennis Claypool,
Sheryl Claypool, Scott Claypool and Kristen Claypool

UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

DENNIS CLAYPOOL, individually)	Civil No. CV04 00570 HG- BMK
and as Guardian Ad Litem for)	
KRISTEN CLAYPOOL, a minor,)	CERTIFICATE OF SERVICE OF
SHERYL CLAYPOOL, SCOTT)	PROPOSED ORDER GRANTING
CLAYPOOL, and KRISTEN)	THE CLAYPOOL PLAINTIFFS'
CLAYPOOL,)	MOTION FOR APPROVAL OF
Plaintiffs,)	GOOD FAITH SETTLEMENT

vs.

CAPTAIN ANDY'S SAILING, INC.,)
BLUE DOLPHIN CHARTERS, LTD.)
and BLUE DOLPHIN DIVING, INC.,)
Defendants.)

CERTIFICATE OF SERVICE OF CLAYPOOL PLAINTIFFS'
ORDER GRANTING MOTION FOR
APPROVAL OF GOOD FAITH SETTLEMENT

MATTHEW ISHAM, individually) CIVIL NO. CV04-00559 HG-BMK
and as Guardian ad Litem for)
HAYDEN ISHAM, a minor;)
ROXANNE BEST ISHAM,)
)
Plaintiffs,)
vs.)
)
BLUE DOLPHIN CHARTERS,)
LTD. and BLUE DOLPHIN)
DIVING, LTD., CAPTAIN)
ANDY'S SAILING, INC.,)
)
Defendants.)

IN THE MATTER OF THE) Civil No. CV05-00037 HG BMK
COMPLAINT OF BLUE DOLPHIN)
CHARTERS, LTD. AND TERRY)
DONNELLY, AS OWNERS OF)
THE VESSEL M/V BLUE)
DOLPHIN, O/N 1082212, FOR)
EXONORATION FROM AND/OR)
LIMITATION OF LIABILITY)

I HEREBY CERTIFY that on the date last written below, I served a true and correct copy of the foregoing document on the following as indicated below:

CERTIFICATE OF SERVICE OF CLAYPOOL PLAINTIFFS'
ORDER GRANTING MOTION FOR
APPROVAL OF GOOD FAITH SETTLEMENT

1st Class
U.S. Mail

John R. Lacy
Randy L.M. Baldemor
GOODSILL ANDERSON
QUINN & STIFEL
Alii Place
1099 Alakea St. Suite 1800
Honolulu, HI 96813

Blue Dolphin
Charters

1st Class
U.S. Mail

Robert Miller
Law Offices of Robert Miller
735 Bishop St., Suite 500
Honolulu, HI 96813

Blue Dolphin
Charters, Inc.

1st Class
U.S. Mail

Stephen C. Smith
Carlsmith Ball LLP
ASB Tower
1001 Bishop Street
Honolulu, HI 96813

Markel Insurance

Dated: June 19, 2006

LAW OFFICES OF HAROLD G. HOPPE

McGUINN, HILLSMAN & PALEFSKY
Attorneys for the Claypool Plaintiffs

By:


JOHN R. HILLSMAN